

**PROPOSED COUNCIL STUDY ISSUE**For Calendar Year: 2004Continuing ☐New ☒Previous Year (below line/defer) ☐**Issue:** Places of Assembly located within Industrial and Commercial Zones**Lead Department:** Community Development Department**General Plan Element or Sub-Element:** Land Use and Transportation Element**1. What are the key elements of the issue? What precipitated it?**

Balancing the need of providing opportunity for social uses and maintaining a healthy business climate. Due to the recent economic downturn, the value of industrial land has decreased below that of commercial and residential thus allowing non-traditional uses (churches, temples, day care, recreation, service organizations, lodge halls etc.) the opportunity to operate in locations that historically have not been economically feasible. The classification, Places of Assembly, is not defined within Title 19 of the SMC or directly addressed as a use in industrial or commercial zones. The draft Moffett Park Specific Plan does not permit Places of Assembly within its industrial zones.

Currently, a proposed Place of Assembly is considered on a case by case basis through a Use Permit. A Use Permit is required due to the interpretation that they are similar to other listed uses (educational uses) in the industrial zone, as well as the fact that churches specifically require a Use Permit in residential zones. Principal issues germane to each application include consumption of space intended for business development, potential exposure of newcomers to hazardous materials and processes, availability of other sites, and limitations on existing industrial user's ability to expand or relocate. In addition, federal legislation, *Religious Land Use and Institutionalized Persons Act 2000*, may have implications on the regulation of places of assembly that are not addressed by the SMC.

**2. How does this relate to the General Plan or existing City Policy?**

The city evaluates projects on a case by case basis and makes findings that a project is or is not supported by the General Plan taking into account the desires of the applicant and the City's need to balance competing interests.

**Land Use and Transportation Element**

**GOAL C4** Sustain a strong local economy that contributes fiscal support for desired city services and provides a mix of jobs and commercial opportunities.

Policy C4.3 Consider the needs of business as well as residents when making land use and transportation decisions.

Policy N1.1 Protect the integrity of the City's neighborhoods; whether residential, industrial or commercial.

N1.1.1 Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.

N1.1.4 Anticipate and avoid whenever practical the incompatibility that can arise between dissimilar uses.

Policy N1.6 Safeguard industry's ability to operate effectively, by limiting the establishment of incompatible uses in industrial areas.

Policy N1.14 Support the provision of a full spectrum of public and quasi-public services that are appropriately located.

### **Socio Economic Element**

Policy 5.1H.11 Encourage the adequate provision of social services to Sunnyvale residents.

### **Legislative Management Sub Element**

Policy 7.3B.3 Prepare and update ordinances to reflect current community issues and concerns in compliance with State and Federal laws.

### **3. Origin of issue:**

**Councilmember:** \_\_\_\_\_

**General Plan:** \_\_\_\_\_

**Staff:** \_\_\_\_\_  
Staff

### **BOARD or COMMISSION**

<b>Arts</b>	<input type="checkbox"/>	<b>Library</b>	<input type="checkbox"/>
<b>Bldg. Code of Appeals</b>	<input type="checkbox"/>	<b>Parks &amp; Rec.</b>	<input type="checkbox"/>
<b>CCAB</b>	<input type="checkbox"/>	<b>Personnel</b>	<input type="checkbox"/>
<b>Heritage &amp; Preservation</b>	<input type="checkbox"/>	<b>Planning</b>	<input type="checkbox"/>
<b>Housing &amp; Human Svcs</b>	<input type="checkbox"/>		

**Board / Commission Ranking/Comment:**

\_\_\_\_\_ **Board / Commission ranked** \_\_\_\_\_ **of** \_\_\_\_\_

**4. Due date for Continuing and Mandatory issues (if known):** \_\_\_\_\_

5. Multiple Year Project? Yes ☐ No ☒ Expected Year of Completion 2004

6. Estimated work hours for completion of the study issue.

(a) Estimated work hours from the lead department 270

(b) Estimated work hours from consultant(s): 0

(c) Estimated work hours from the City Attorney's Office: 50

(d) List any other department(s) and number of work hours:

Department(s): Department Public Safety (Haz-Mat.) 80

Total Estimated Hours: 400

7. Expected participation involved in the study issue process?

(a) Does Council need to approve a work plan? Yes ☐ No ☒

(b) Does this issue require review by a Board/Commission? Yes ☒ No ☐

If so, which Board/Commission? Planning Commission

(c) Is a Council Study Session anticipated? Yes ☐ No ☒

(d) What is the public participation process?

Outreach to businesses and residents, potential for stakeholders committee, and hold public hearings with Planning Commission and City Council on appropriate zoning code amendments.

8. Estimated Fiscal Impact:

Cost of Study \$                     

Capital Budget Costs \$                     

New Annual Operating Costs \$                     

New Revenues or Savings \$                     

10 Year RAP Total \$                     

9. Staff Recommendation

☒ Recommended for Study

☐ Against Study

☐ No Recommendation

**Explain below staff's recommendation if "for" or "against" study. Department director should also note the relative importance of this study to other major projects that the department is currently working on or that are soon to begin, and the impact on existing services/priorities.**

Title 19 does not currently address the issue and there is a relatively high demand for the use of vacant industrial space by non-traditional users. By October, approximately 10 requests for preliminary review or Use Permits for Places of Assembly have been evaluated by staff in 2003. Other local city's have been challenged on decisions to both permit and deny the use of industrial land for places of assembly.

*reviewed by*

\_\_\_\_\_  
***Department Director***

\_\_\_\_\_  
***Date***

*approved by*

\_\_\_\_\_  
***City Manager***

\_\_\_\_\_  
***Date***